

**REMARKS:**

In the Office Action the Examiner noted that claims 14, 17, 20, 23, and 26 are pending in the application, and the Examiner rejected all claims.

By this Amendment, claims 14, 17, 20, 23, and 26 have been amended. No new matter has been presented. Claims 1-13, 15, 16, 18, 19, 21, 22, 24 and 25 remain cancelled.

Thus, claims 14, 17, 20, 23, and 26 are pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

**CLAIM REJECTIONS UNDER 35 USC § 103:**

In item 4 on page 2 of the Office Action the Examiner rejected claims 14, 17, 20, 23, and 26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,684,195 (Deaton) in view of the Official Notice. The Applicants respectfully traverse the Examiner's rejections of the remaining claims.

Deaton does not teach or suggest "a point calculating unit [that] updates the customer's cumulative issued points", "converts predetermined points into a time period associated with providing the electronic information service" and "decreases the customer's cumulative issued points according to a time spent for providing the electronic information service in response to the customer's request by redeeming the customer's cumulative issued points", as recited in claim 14, for example.

Claim 26 recites "converting cumulative points issued to a customer to a time period value during which an electronic service may be transmitted in response to a request by the customer by redeeming the points" and **"decreasing predetermined points in proportion to a lapse of the time period"** (emphasis added).

The Office Action alleges that Deaton teaches the customer's points are decreased in proportion to the time that it takes the customer to buy or to be provided the goods or service. For example, the customer is provided with goods or services to be purchased and points or coupons to make the purchases, if the customer doesn't redeem the discounts/incentives/points for goods or services for a specified period of time that goods or services are advertised or provided to the customer then the accumulated points start to decrease (col. 103, lines 52 to col. 104, lines 1 - 21).

Deaton describes, in column 103, lines 52-56, the following:

"The system may then have a preset criteria of response and if that customer meets the preset response criteria, the system may either maintain that incentive over a preselected time interval or may initially or subsequently reduce that incentive over a preselected time interval."

Further, Deaton discusses, in column 103, lines 63-65, an example of the "incentive" as follows:

"For example, a store may offer an incentive to come back again in the next seven day period and if the customer does, **the store gives \$2 off the shopping visit** (emphasis added)."

As is clear from the above description of Deaton, the above "incentive" is a type of newly issued "incentive" due to a shopping visit to a store, and thus the "incentive" proposed in Deaton is a different type from that of the claimed invention directed to the "customer's cumulative issued points." Deaton is silent regarding processing of "customer's cumulative issued points" and "point calculating unit" as recited in amended claim 14. See also other claims reciting similar features.

Deaton is directed to providing "\$2 off the shopping visit" and if the 85% that the program did not work, it discusses increasing their incentive (see, column 104, lines 18-21). In other words, if there is no effect of a shopping visit "incentive" for a certain customer in Deaton, the customer's incentive is increased with a shopping visit "incentive".

The Examiner acknowledges that Deaton doesn't specifically teach that the services provided are video information, voice information, software information, music information and database information as the electronic information to the customer through a communication circuit. However, at least on page 3, the Office Action states that that it is old and well known to provide services electronically such as the video information, voice information, software information, music information to the customer via the customer's PC in order to avoid the need for the customer to having to wait for the goods or services or having to pick up the goods or services from a remote location. Applicants respectfully traverse the Examiner's statement because supporting evidence related to the providing of the electronic information service functionality of the claimed invention has not been provided, and request that the Examiner produce authority for the statement.

The Applicants also incorporate the arguments specifically pointing out the errors regarding the Examiner's assertion of Official Notice from the November 17, 2008 herein.

Further, even if the Examiner's assertion and rejection based on well known is valid, the claimed invention is distinguishable as discussed below.

As previously discussed, the independent claims patentably distinguish over Deaton. Further, as the Official Notice merely relates to providing services electronically, the Official Notice does not cure the deficiencies of Deaton regarding claims of the present application.

Further, even assuming arguendo that Official Notice does disclose the features discussed by the Examiner, the Applicants respectfully submit that there is no motivation to combine the cited references. The Examiner stated that the combination of the references would be obvious in order to avoid the need for the customer to wait for the goods or services or having to pick same from a remote location.

The record, however, fails to provide the required evidence of a motivation for a person of ordinary skill in the art to perform such modification. Applicants request that some reasoning with some rational underpinning be provided to support the legal conclusion of obviousness since absent improper hindsight the record, however, fails to provide the required evidence (rationale) of a motivation for a person of ordinary skill in the art to perform such modification.

Therefore, withdrawal of the rejection is respectfully requested.

#### **CONCLUSION:**

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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